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RECEIVED

MAY 10 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Paul C. Besozzi

May 10, 1995

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Stop Code 1170
Room 222
Washington, DC 20554

Re: Ex Parte Presentations - PR Dkt. 93-144

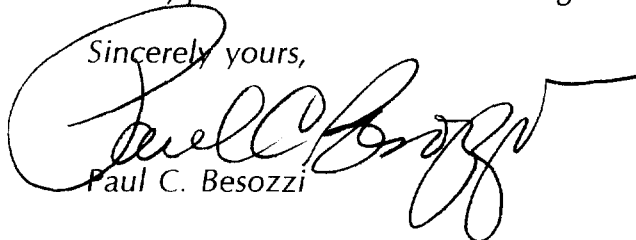
Dear Mr. Caton:

In accordance with Section 1.1206 of the Commission's Rules, enclosed are two (2) copies of ex parte presentations filed in connection with PR Docket 93-144 by the following entities:

1. Ashcroft ITV, Inc.
2. SGTV, Inc.
3. Harrowby TV, Inc.
4. HGTV, Inc.
5. Italia TV, Inc.
6. JBTv, Inc.
7. MTI (U.S.), Inc.
8. O'Neil TV, Inc.
9. RMTV, Inc.
10. Tenth Street TV, Inc.

If there are any questions on this matter, please contact the undersigned counsel.

Sincerely yours,



Paul C. Besozzi

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806/WCaton2.ltr
Enclosures

No. of Copies rec'd 021
List A B C D E

The Honorable Andrew C. Barrett
Federal Communications Commission
1919 "M" Street, N.W. Room 826, Stop Code 0103
Washington, D.C. 20554

May 3, 1995

Concerning: FCC's Plan to Relocate/Revoke SMR Licenses

Dear Commissioner Barrett:

I was stunned to learn, as an owner of numerous SMR licenses in many markets, that the FCC now plans to relocate (or effectively to revoke) my SMR licenses. As the FCC surely realizes, there simply aren't enough frequencies to permit relocations, mandatory or otherwise.

I am planning to interconnect my SMR channels over multiple markets with those of other licensees (who have joined me agreements to do this) and to form wide-area systems of our own. Unless all of my channels can be relocated in a way that will permit such interconnections, I will be deprived of my license rights — without a hearing or other legal proceeding. That doesn't seem right or legal. **The small fees that the auctions will bring hardly justifies the creation of a Nextel monopoly or the deprivation of the rights of so many existing SMR companies.**

I hope that the Commission will reconsider taking such illegal actions.

Sincerely,
/s/

Cindy Ashcroft

The Honorable Rachalle B. Chong
Federal Communications Commission
1919 "M" Street, N.W. Room 844, Stop Code 0103
Washington, D.C. 20554

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The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 "M" Street, N.W. Room 814, Stop Code 0101
Washington, D.C. 20554

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Federal Communications Commission
1919 "M" Street, N.W. Room 832, Stop Code 0104
Washington, D.C. 20554

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1919 "M" Street, N.W. Room 802, Stop Code 0106
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Sandra K. Gilbert
SGTV, Inc.
1038 Sounthpark Drive
Columbia, Missouri 65201-5220

May 2, 1995

The Honorable Andrew C. Barrett
Federal Communications Commission
1919 'M' Street, N.W. Room 826, Stop Code 0103
Washington, D.C. 20554

Re: FCC's Retroactive Destruction of Existing SMR Licensees' Rights

Dear Commissioner Barrett:

As a holder of SMR licenses in multiple markets (and as the owner and operator of a cellular system for five years), I must protest the FCC's apparent plan to destroy the rights of existing licensees by forcing them to relocate their existing licensees to new frequencies.

There simply aren't enough alternative frequencies; the footprints will vary; no new wide-area consortia will have a chance to compete with Nextel. No one else can come up with enough channels to justify meaningful bids. This scheme is clearly a master plan to turn over all of 800 MHz SMR to Nextel, and that's against public policy, the anti-trust laws and the Commission's Rules.

If less than ALL of my licensees are relocated to comparable frequencies, my engineers tell me that it will be impossible for me to build and operate the multiple market wide-area system that I have been planning, with others, for roughly two years now, depriving me and others of a great deal of hard-earned value. I, and many others, have relied in good faith on the FCC's long standing SMR rules; we've spent a lot of time and money doing so; surely the FCC won't steal away our licenses now by forcing us to switch to other channels that simply cannot technically serve the same purposes of permitting us to operate interconnected systems within the foot prints that we have established.

So, if the FCC decides to disrupt SMR further by such relocations, the relocations must be done on a VOLUNTARY basis, letting the market place dictate the outcome. Surely any lesser treatment of the existing licensees would be found grossly unfair and illegal by the courts.

Very truly yours,

/s/

Sandra K. Gilbert

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SGTV, Inc.
1038 Southpark Drive
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*The Honorable Rachelle B. Chong
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The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 "M" Street, N.W. Room 814, Stop Code 0101
Washington, D.C. 20554

May 5, 1995

Re: FCC's Planned Relocation of 800 MHz SMR Licensees

Dear Chairman Hundt:

As a five year builder/owner/operator of a cellular system and as an owner of numerous 800 MHz SMR licenses in many markets, I was shocked to learn from my attorneys that the FCC is now planning to auction SMR "wide-area" licenses, and, since there is almost no unlicensed SMR spectrum left, the FCC plans to force existing SMR licensees to relocate to different frequencies. According to my engineers, any such relocations will deprive me of the value of my licenses, because they are in multiple markets, are part of a "foot print" of my own, and all of my licenses have been committed to a joint venture with other licensees by which we have agreed to operate our own wide-area system. As such, my engineers insist that there simply are NO other frequencies to which I can relocate and still participate in my planned wide-area system. They say that only Nextel, with its huge quantity of channels, is the only entity that can withstand such new rules, and, indeed, that Nextel will be the only entity to survive in the 800 MHz band. Why is the FCC so determined to create a monopoly for Nextel? Why are Nextel's rights superior to those of countless small SMR firms?

I simply can't understand how the FCC can establish rules years ago, based on which I prepared and filed applications some two years ago, many of which were granted almost that long ago, and now retroactively deprive me of those license rights. I spend a great deal of time and money on engineers, lawyers, etc., preparing those applications and developing the plans to build and operate a wide-area system of my own. I'm not a lawyer, but I don't see how the Constitution, the Communications Act, the FCC's Rules and the Budget Act can be served by such retroactive rule changes, and I think that the courts won't agree with such disregard of the rights of licensees, and I hope that the FCC will reconsider any such illegal relocation of my licenses.

Sincerely yours,
/S/

Harry A. Gilbert

Harrowby TV, Inc.
P. O. Box 7957
Aspen, Colorado 81612

May 4, 1995

The Honorable Andrew C. Barrett
Federal Communications Commission
1919 "M" Street, N.W. Room 826, Stop Code 0103
Washington, D.C. 20554

Re: FCC Proposal to Create a Nextel Monopoly in 800 MHz SMR Channels

Dear Commissioner Barrett:

As the prior builder, owner and five-year operator of two cellular systems, and as the owner of many 800 MHz SMR licenses in several states that have already been approved for slow growth and for operation as a wide-area SMR system, I am gravely concerned over the FCC's apparent plan to auction wide-area SMR systems and to mandate relocation of many or most existing SMR licenses, to create a virtually certain monopoly for Nextel, who has built its SMR channel empire with countless FCC waivers and favors. Insurmountable technical and legal hurdles exist.

Technically, there simply aren't enough channels to sell; nor are there workable channels to which existing licensees can locate; existing SMR operations will be disrupted, perhaps permanently; wide-area systems that others now contemplate (including HTV) and can implement, with the channels that they now possess, will be eliminated forever. Technically, except for Favored Son Nextel, the auction-relocation scheme won't work, period.

Legally, this belated, ex post facto destruction of vested licensee-property rights can hardly be legal, be it under the Constitution, the Communications Act, the Budget Act or the FCC's own Rules and Regulations. Contrary to the view of some, no "new" service is being created; nor is any "white area" being served, as there are virtually no areas that are not covered by existing licensed channels; nor do the de minimus fees from SMR auctions justify overriding the sensitive legalities that are being ignored by such draconian relocations. Finally, there will surely be appeals that will last ad infinitum, and these appeals will disrupt any quiet title that the auction winners might seek; simply said, who will finance such licenses in a legal quagmire of that magnitude?

Equitably, the auction-relocation plan will devastate countless small SMR operators and licensees; it will negate wide-area systems that are now possible with the channels already licensed; it will delay SMR service across the board; it will create legal Gordian knots that will not be unraveled for years; no one will truly benefit, except Nextel for whom an 800 MHz monopoly is clearly in the making, courtesy of the FCC.

Therefore, I respectfully request that FCC not mandate relocations of my SMR channels.

Respectfully submitted,
/s/

Cindy Kohart, V.P. Harrowby TV, Inc.

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Re: FCC's Planned Relocation of 800 MHz SMR Licensees

Dear Commissioner Chong:

As a five year builder/owner/operator of a cellular system and as an owner of numerous 800 MHz SMR licenses in many markets, I was shocked to learn from my attorneys that the FCC is now planning to auction SMR "wide-area" licenses, and, since there is almost no unlicensed SMR spectrum left, the FCC plans to force existing SMR licensees to relocate to different frequencies. According to my engineers, any such relocations will deprive me of the value of my licenses, because they are in multiple markets, are part of a "foot print" of my own, and all of my licenses have been committed to a joint venture with other licensees by which we have agreed to operate our own wide-area system. As such, my engineers insist that there simply are NO other frequencies to which I can relocate and still participate in my planned wide-area system. They say that only Nextel, with its huge quantity of channels, is the only entity that can withstand such new rules, and, indeed, that Nextel will be the only entity to survive in the 800 MHz band. Why is the FCC so determined to create a monopoly for Nextel? Why are Nextel's rights superior to those of countless small SMR firms?

I simply can't understand how the FCC can establish rules years ago, based on which I prepared and filed applications some two years ago, many of which were granted almost that long ago, and now retroactively deprive me of those license rights. I spend a great deal of time and money on engineers, lawyers, etc., preparing those applications and developing the plans to build and operate a wide-area system of my own. I'm not a lawyer, but I don't see how the Constitution, the Communications Act, the FCC's Rules and the Budget Act can be served by such retroactive rule changes, and I think that the courts won't agree with such disregard of the rights of licensees, and I hope that the FCC will reconsider any such illegal relocation of my licenses.

Sincerely yours,
/s/

Harry A. Gilbert

Harry A. Gilbert
HGTV, Inc.
1038 Southpark Drive
Columbia, Missouri 65201-5220

The Honorable Andrew C. Barrett
Federal Communications Commission
1919 "M" Street, N.W. Room 826, Stop Code 0103
Washington, D.C. 20554

May 5, 1995

Re: FCC's Planned Relocation of 800 MHz SMR Licensees

Dear Commissioner Barrett:

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Sincerely yours,
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Harry A. Gilbert
HGTV, Inc.
1038 Southpark Drive
Columbia, Missouri 65201-5220

The Honorable Susan P. Ness
Federal Communications Commission
1919 "M" Street, N.W. Room 832, Stop Code 0104
Washington, D.C. 20554

May 5, 1995

Re: FCC's Planned Relocation of 800 MHz SMR Licensees

Dear Commissioner Ness:

As a five year builder/owner/operator of a cellular system and as an owner of numerous 800 MHz SMR licenses in many markets, I was shocked to learn from my attorneys that the FCC is now planning to auction SMR "wide-area" licenses, and, since there is almost no unlicensed SMR spectrum left, the FCC plans to force existing SMR licensees to relocate to different frequencies. According to my engineers, any such relocations will deprive me of the value of my licenses, because they are in multiple markets, are part of a "foot print" of my own, and all of my licenses have been committed to a joint venture with other licensees by which we have agreed to operate our own wide-area system. As such, my engineers insist that there simply are NO other frequencies to which I can relocate and still participate in my planned wide-area system. They say that only Nextel, with its huge quantity of channels, is the only entity that can withstand such new rules, and, indeed, that Nextel will be the only entity to survive in the 800 MHz band. Why is the FCC so determined to create a monopoly for Nextel? Why are Nextel's rights superior to those of countless small SMR firms?

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Sincerely yours,
/s/

Harry A. Gilbert

Harry A. Gilbert
HGTV, Inc.
1038 Saurthpark Drive
Columbia, Missouri 65201-5220

Commissioner Quello
Federal Communications Commission
1919 "M" Street, N.W. Room 802, Stop Code 0106
Washington, D.C. 20554

May 5, 1995

Re: FCC's Planned Relocation of 800 MHz SMR Licensees

Dear Commissioner Quello:

As a five year builder/owner/operator of a cellular system and as an owner of numerous 800 MHz SMR licenses in many markets, I was shocked to learn from my attorneys that the FCC is now planning to auction SMR "wide-area" licenses, and, since there is almost no unlicensed SMR spectrum left, the FCC plans to force existing SMR licensees to relocate to different frequencies. According to my engineers, any such relocations will deprive me of the value of my licenses, because they are in mulitple markets, are part of a "foot print" of my own, and all of my licenses have been committed to a joint venture with other licensees by which we have agreed to operate our own wide-area system. As such, my engineers insist that there simply are NO other frequencies to which I can relocate and still participate in my planned wide-area system. They say that only Nextel, with its huge quantity of channels, is the only entity that can withstand such new rules, and, indeed, that Nextel will be the only entity to survive in the 800 MHz band. Why is the FCC so determined to create a monopoly for Nextel? Why are Nextel's rights superior to those of countless small SMR firms?

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Sincerely yours,
/S/

Harry A. Gilbert

Italia TV, Inc.
Box 516
Steele, Alabama 35987

The Honorable Andrew C. Barrett
Federal Communications Commission
1919 "M" Street, N.W. Room 826, Stop Code 0103
Washington, D.C. 20554
May 5, 1995

Request That 800 MHz SMR Not Become Nextel's Monopoly

Dear Commissioner Barrett:

I must ask you to contact the FCC for me and ask them not to retroactively revoke my SMR licenses, as my attorneys and engineers now advise that the FCC, in effect, plans to do, resulting in a monopoly for Nextel.

Apparently, the FCC is about to give Nextel the option of buying every MTA for a pittance (as no one else has enough channels in them to do channels swaps with existing licensees, like me) and then to force existing licensees to accept whatever channels Nextel will swap for them. This will leave me and many others with spectrum that will make it impossible for me and others to operate them on an interconnected basis, as I had planned and contracted to do with other licensees. Simply put, Nextel will be giving me channels that may be similar but different from the channels that I have, which will transmit differently from different transmitter sites. This seems so unfair and likely illegal. It seems to be the FCC's way of picking a few more auction dollars while giving Nextel a virtually certain monopoly in 800 MHz SMR.

The FCC should not to take any such action, as many SMR licensees like me have relied in good faith on the FCC's long standing SMR rules, and have spent considerable time and money researching markets, obtaining FCC licenses, slow growth authorizations, and affiliating with others who have similar plans.

I can't understand why the FCC didn't announce its plans to do this long ago, rather than inducing me and many others to rely on the FCC's Rules and policy statements. Isn't it time for the Clinton-FCC to do something that favors the little guy, instead of the big-buck monopolists?

Sincerely,

/S/

Joel D. Barnes

Italia TV, Inc.
Box 516
Steele, Alabama 35987

The Honorable Rachalle B. Chong
Federal Communications Commission
1919 "M" Street, N.W. Room 844, Stop Code 0103
Washington, D.C. 20554

May 5, 1995

Request That 800 MHz SMR Not Become Nextel's Monopoly

Dear Commissioner Chong:

I must ask you to contact the FCC for me and ask them not to retroactively revoke my SMR licenses, as my attorneys and engineers now advise that the FCC, in effect, plans to do, resulting in a monopoly for Nextel.

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Sincerely,

/S/

Joel D. Barnes

Italia TV, Inc.
Box 516
Steele, Alabama 35987

The Honorable Reed E. Hundt, Chairman May 6, 1995
Federal Communications Commission
1919 "M" Street, N.W. Room 814, Stop Code 0101
Washington, D.C. 20554

Request That 800 MHz SMR Not Become Nextel's Monopoly

Dear Chairman Hundt:

I must ask you to contact the FCC for me and ask them not to retroactively revoke my SMR licenses, as my attorneys and engineers now advise that the FCC, in effect, plans to do, resulting in a monopoly for Nextel.

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Sincerely,

/S/

Joel D. Barnes

Italia TV, Inc.
Box 516
Steele, Alabama 35987

The Honorable Susan P. Ness
Federal Communications Commission
1919 "M" Street, N.W. Room 832, Stop Code 0104
Washington, D.C. 20554

May 6, 1995

Request That 800 MHz SMR Not Become Nextel's Monopoly

Dear Commissioner Ness:

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